

# Wetlands Bureau Decision Report

Decisions Taken  
01/18/2010 to 01/24/2010

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2004-02528                      BLAISLAKE LLC, JAKE BLAIS**  
**ALTON   Lake Winnepesaukee**

### Requested Action:

Applicant requests to amend approvals 2004-02528 and 2004-2529 to eliminate the approved docking along lot 25 and relocate the proposed docking to lot 24, adjacent to the existing boat house, on Lake Winnepesaukee, Alton.

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### Conservation Commission/Staff Comments:

Con. Com. recommends denial for several reasons:

1. the deed on the parcel limits the docking structure to 1 removable seasonal dock;
2. there is excessive sand migration on this site.

### DENY AMENDMENT:

Applicant requests to amend approvals 2004-02528 and 2004-2529 to eliminate the approved docking along lot 25 and relocate the proposed docking to lot 24, adjacent to the existing boat house, on Lake Winnepesaukee, Alton.

### With Findings:

#### Standards for Approval

1. In accordance with RSA 482-A:3 (e) "Any request for a significant amendment to a pending application or an existing permit which changes the footprint of the permitted fill or dredge area shall be deemed a new application subject to the provisions of RSA 482-A:3, I and the time limits prescribed by this paragraph."
2. In accordance with RSA 482-A:3 (e) ""Significant amendment" means an amendment which changes the proposed or previously approved acreage of the permitted fill or dredge area by 20 percent or more, relocates the proposed footprint of the permitted fill or dredge area, includes a prime wetland or surface waters of the state, includes a wetland of a different classification as classified by the department, or includes non-wetland areas requiring permits for filling and dredging. This meaning of ""significant amendment" shall not apply to an application amendment that is in response to a request from the department."

#### Findings of Fact

1. DES issued permit 2004-02528 on tax map 21A, lot 29 to "Fill 1076 sq ft to construct 80 linear ft of breakwater, in an "L" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 55 ft cantilevered pier accessed by a 4 ft x 26 ft walkway, dredge 20 cy from 550 sq ft from the boatslip on an average of 165 ft of frontage on Lake Winnepesaukee, Alton" and permit 2004-02529 on tax map 21A lot 28 to "Fill 800 sq ft to construct 57 linear ft of breakwater, in an "L" configuration, with a 8 ft gap at the shoreline, excavate 350 sq ft of shoreline to construct a 33 ft by 33 ft dug in boathouse, dredge 39 cy from 840 sq ft to provide access to the boathouse on an average of 131 ft of frontage on Lake Winnepesaukee, Alton" on the adjacent lot.
2. Both DES permit 2004-02528 and permit 2004-02529 expire on April 4, 2010.
3. On November 06, 2009 the Department received an amendment request to amend both DES permit 2004-02528 and permit 2004-2529. This amendment requested "to amend approvals 2004-02528 and 2004-2529 to eliminate the approved docking along lot 25 and relocate the proposed docking to lot 24", adjacent to the existing boat house, on Lake Winnepesaukee, Alton.
4. The proposed breakwater is located in a new location and footprint on tax map 21A, lot 28.
5. The proposed docking structure is a new structure on tax map 21A lot 28 and not located within an existing footprint.
6. The existing boathouse appears to be in a different location than the location approved in permit 2004-02529.

#### Rulings in Support of Denial

1. The proposed breakwater is located in a different footprint than the approved breakwater location and the proposed docking structure is not within the footprint of the original approved plans for docking structures, the amendment request does not meet the requirements of RSA 482-A and is denied.
2. In accordance with RSA 482-A:3, the applicant is required to submit a new application for the requested impacts.

**2004-02529                      BLAISLAKE LLC, JAKE BLAIS**  
**ALTON   Lake Winnepesaukee**

**Requested Action:**

Applicant requests to amend approvals 2004-02528 and 2004-2529 to eliminate the approved docking along lot 25 and relocate the proposed docking to lot 24, adjacent to the existing boat house, on Lake Winnepesaukee, in Alton.

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**Conservation Commission/Staff Comments:**

Con. Com. recommends denial because of limits on the subdivision for seasonal docks and the presence of sand migration.

**DENY AMENDMENT:**

Applicant requests to amend approvals 2004-02528 and 2004-2529 to eliminate the approved docking along lot 25 and relocate the proposed docking to lot 24, adjacent to the existing boat house, on Lake Winnepesaukee, in Alton.

**With Findings:**

**Standards for Approval**

1. In accordance with RSA 482-A:3 (e) "Any request for a significant amendment to a pending application or an existing permit which changes the footprint of the permitted fill or dredge area shall be deemed a new application subject to the provisions of RSA 482-A:3, I and the time limits prescribed by this paragraph."
2. In accordance with RSA 482-A:3 (e) ""Significant amendment" means an amendment which changes the proposed or previously approved acreage of the permitted fill or dredge area by 20 percent or more, relocates the proposed footprint of the permitted fill or dredge area, includes a prime wetland or surface waters of the state, includes a wetland of a different classification as classified by the department, or includes non-wetland areas requiring permits for filling and dredging. This meaning of ""significant amendment" shall not apply to an application amendment that is in response to a request from the department."

**Findings of Fact**

1. DES issued permit 2004-02528 on tax map 21A, lot 29 to "Fill 1076 sq ft to construct 80 linear ft of breakwater, in an "L" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 55 ft cantilevered pier accessed by a 4 ft x 26 ft walkway, dredge 20 cy from 550 sq ft from the boatslip on an average of 165 ft of frontage on Lake Winnepesaukee, Alton" and permit 2004-02529 on tax map 21A lot 28 to "Fill 800 sq ft to construct 57 linear ft of breakwater, in an "L" configuration, with a 8 ft gap at the shoreline, excavate 350 sq ft of shoreline to construct a 33 ft by 33 ft dug in boathouse, dredge 39 cy from 840 sq ft to provide access to the boathouse on an average of 131 ft of frontage on Lake Winnepesaukee, Alton" on the adjacent lot.
2. Both DES permit 2004-02528 and permit 2004-02529 expire on April 4, 2010.
3. On November 06, 2009 the Department received an amendment request to amend both DES permit 2004-02528 and permit 2004-2529. This amendment requested "to amend approvals 2004-02528 and 2004-2529 to eliminate the approved docking along lot 25 and relocate the proposed docking to lot 24", adjacent to the existing boat house, on Lake Winnepesaukee, Alton.
4. The proposed breakwater is located in a new location and footprint on tax map 21A, lot 28.
5. The proposed docking structure is a new structure on tax map 21A lot 28 and not located within and existing footprint.
6. The existing boathouse appears to be in a different location than the location approved in permit 2004-02529.

**Rulings in Support of Denial**

1. The proposed breakwater is located in a different footprint than the approved breakwater location and the proposed docking structure is not within the footprint of the original approved plans for docking structures, the amendment request does not meet the requirements of RSA 482-A and is denied.
2. In accordance with RSA 482-A:3, the applicant is required to submit a new application for the requested impacts.

-Send to Governor and Executive Council-

**2008-00974                      SWALLOW COVE ASSOCIATION, PAUL WORTH**  
**MOULTONBOROUGH   Lake Winnepesaukee**

**Requested Action:**

Applicant requests reconsideration of the Department's August 18, 2008 decision to deny the project on the merits of revised plans submitted on January 14, 2010.

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**APPROVE RECONSIDERATION:**

Reconsider and approve the reconfiguration of an existing 14-slip, seasonal, community docking facility such that it will consist of a 3 ft x 98 ft 6 in walkway with six 2 ft x 25 ft fingers, two 2 ft x 20 ft fingers, and a 2 ft x 24 ft finger on an average of 125 ft of frontage on Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans revised January 1, 2010 as received by DES on January 14, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. This shall be the only docking structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
8. The seasonal docking facility shall be completely removed from the lake for the non-boating season.
9. No portion of the docking facilities shall extend more than 130 feet from the shoreline at full lake elevation.
10. This permit does not authorize dredge for any purpose.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The Applicant has an existing, seasonal docking facility providing at least 14 slips for a private community having 125 ft of frontage on Lake Winnepesaukee.
3. The proposed reconfiguration of the seasonal docking facility will not increase the intrusion of the structure into Lake Winnepesaukee, nor will it increase the number of slips provided or impacts on the surface water.
4. The proposed reconfiguration will allow for improved navigation and safety for those docking at the facility.
5. The proposed reconfiguration has been designed with the intent of minimizing, if not completely avoiding, the need for future dredging of the facility and, therefore, meets the intent of Rule Env-Wt 302.03, Avoidance, Minimization, & Mitigation.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2008-02822                      OSSIPÉE BLUFFS ASSOCIATION INC**  
**OSSIPÉE   Ossipee Lake & Lovell River**

**Requested Action:**

Install approximately 119 feet of rip rap and approximately 142 linear feet of coir logs within Ossipee Lake, in Ossipee.

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Conservation Commission/Staff Comments:

No Con Com comments by 03/13/09

APPROVE PERMIT:

Install approximately 119 feet of rip rap and approximately 142 linear feet of coir logs within Ossipee Lake, in Ossipee.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co Inc revised January 6, 2010, as received by DES on January 8, 2010.
2. Impacted areas shall be regraded to original contours following completion of work.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be done during drawdown.
6. Work shall be done during low flow.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
9. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(h), projects that disturb more than 200 linear feet, measured along the shoreline, of a lake or pond or its bank.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

-Send to Governor and Executive Council-

**2009-01517                      EATON, TOWN OF**  
**EATON   Crystal Lake**

Requested Action:

Replenish an existing 45 ft x 200 ft sloped town beach with no more than 139 cubic yards of sand on Crystal Lake, in Eaton.

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Conservation Commission/Staff Comments:

No Con Com comments by November 09, 2009

APPROVE PERMIT:

Replenish an existing 45 ft x 200 ft sloped town beach with no more than 139 cubic yards of sand on Crystal Lake, in Eaton.

With Conditions:

1. All work shall be in accordance with information as received by DES.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation

action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. No more than 139 cu yd of sand may be used and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach that does not meet the criteria for minimum impact under Env-Wt 303.04(d) or Env-Wt 303.04(aa), or minor impact under Env-Wt 303.03(f).
2. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Crystal Lake.

**2009-01636                      N & M WINCHESTER PROPERTIES LLC, PETER GASKILL**  
**WINCHESTER    Unnamed Wetland**

Requested Action:

Withdraw application to dredge and fill  $\pm$  26,575 sq. ft. of wetlands for construction of a solid waste transfer station/composting facility.

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WITHDRAW APPLICATION:

Withdraw application to dredge and fill  $\pm$  26,575 sq. ft. of wetlands for construction of a solid waste transfer station/composting facility.

With Findings:

1. A written request to withdraw the application submitted by the Agent on behalf of the Applicant was received January 13, 2010.

**2009-02599                      STROUGH REVOC TRUST, ROBERT**  
**TUFTONBORO    Lake Winnepesaukee**

Requested Action:

Repair an existing 48 ft breakwater with a 24 ft gap at the shoreline and a 4 ft x 40 ft 3 in cantilevered pier connected to a new 6 ft x 30 ft crib supported wharf replacing a pre-existing 6 ft x 35 ft crib supported finger pier by a 4 ft x 29 ft 4 in walkway on an average 215 feet of frontage on Tuftonboro Neck, in Lake Winnepesaukee.

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APPROVE PERMIT:

Repair an existing 48 ft breakwater with a 24 ft gap at the shoreline and a 4 ft x 40 ft 3 in cantilevered pier connected to a new 6 ft x 30 ft crib supported wharf replacing a pre-existing 6 ft x 35 ft crib supported finger pier by a 4 ft x 29 ft 4 in walkway on an average 215 feet of frontage on Tuftonboro Neck, in Lake Winnepesaukee.

With Conditions:

1. All work shall be done in accordance with plans by Watermark Marine Construction dated October 13, 2009 as received by the Department October 26, 2009.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the structure shall be at least 20 ft from abutting property

lines or the imaginary extension of those lines into the water.

4. No portion of breakwater above normal full lake shall extend more than 50 feet from normal full lake shoreline.
5. Top of breakwater shall be no more than three feet in elevation above normal full lake elevation.
6. No portion of the breakwater, including the underwater portion, shall be within 20 feet of abutting property lines or an imaginary extension of those lines into the lake.
7. The maximum size of cribs shall not exceed 6 feet long by 4 feet wide and of such height as necessary to support the docking structure above the water level.
8. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
9. The minimum clear spacing between cribs shall be 12 feet.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The applicant has an average of 215 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
4. The reconfigured docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2009-02603                      SALEM, TOWN OF**  
**SALEM    Unnamed Wetland Tributary To Spicket River**

Requested Action:

Dredge and fill a total of 8,000 sq. ft. in wetlands jurisdiction including 4,120 sq. ft. of permanent and 1,060 sq. ft. of temporary impacts to palustrine forested/scrub-shrub wetlands, and 2,820 sq. ft. of impact within the 100 foot buffer to designated prime wetlands for work associated with the reconstruction of Cluff Road.

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Conservation Commission/Staff Comments:

"The Salem Conservation Commission ... has completed its review of the ... application, including a site visit, and has voted to recommend approval of the application ..."

APPROVE PERMIT:

Dredge and fill a total of 8,000 sq. ft. in wetlands jurisdiction including 4,120 sq. ft. of permanent and 1,060 sq. ft. of temporary impacts to palustrine forested/scrub-shrub wetlands, and 2,820 sq. ft. of impact within the 100 foot buffer to designated prime wetlands for work associated with the reconstruction of Cluff Road.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc. dated 12/18/2009, as received by DES on December 21, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Salem Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.

4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to prime wetlands designated under RSA 482-A:15
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. A prime wetlands public hearing was held on March 20, 2009 for work associated with and in the environs of this project.

**2009-02649                      SHADALLAH ESQ, STEVEN**  
**SEABROOK   Atlantic Ocean / Tidal Buffer**

Requested Action:

Demolish the existing house and construct a new dwelling with attached porch impacting 2,100 sq. ft. of a 6,641 sq. ft. lot being partially in sand dune jurisdiction. A 2,691 sq. ft. area currently occupied by structures and/or previously impacted sand dune will be restored/enhanced with plantings of native sand dune vegetation. A Salt Spray Rose (*Rosa rugosa*) hedge will be established to separate the sand dune restoration/enhancement area from the developed area of this lot.

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Conservation Commission/Staff Comments:

No written comments were received from the Seabrook Conservation Commission on this application. However, the environmental consultant discussed the sand dune restoration component of the project with the Commission Chair and received positive input.

Inspection Date: 09/18/2009 by Frank D Richardson

APPROVE PERMIT:

Demolish the existing house and construct a new dwelling with attached porch impacting 2,100 sq. ft. of a 6,641 sq. ft. lot being partially in sand dune jurisdiction. A 2,691 sq. ft. area currently occupied by structures and/or previously impacted sand dune will be restored/enhanced with plantings of native sand dune vegetation. A Salt Spray Rose (*Rosa rugosa*) hedge will be established to separate the sand dune restoration/enhancement area from the developed area of this lot.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated September 24, 2009, as received by DES on November 02, 2009.
2. NH DES Wetlands Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. There shall be no further alteration of areas within NH DES Wetlands Bureau jurisdiction for lot development, driveways, play areas (e.g. beach volleyball) or other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Sand dune replication /restoration /enhancement areas shall have at least 75% successful establishment of sand dune vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional sand dune vegetation community is replicated in a manner satisfactory to the DES Wetlands Bureau.
6. A NH Certified Wetland Scientist shall be retained by the permittee to oversee the sand dune restoration /enhancement component of this project.



7. A report, documented by photos taken from at least five photo stations, detailing the restoration plantings and their growth and establishment, shall be submitted to the DES Wetlands Bureau and the Seabrook Conservation Commission on October 1st of each year for the 5-year duration of this permit.
8. If this permit is not implemented within its' first year or if construction is delayed for any reason, the requirement set forth in condition #7 will be initiated with the start of construction and proceed for 5 years thereafter.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in sand dunes, tidal wetlands or bogs, except for repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a)&(c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 18, 2009. Field inspection determined the project as designed, with sand dune restoration, will have no deleterious affect on the adjacent sand dune vegetation and habitat.
6. This project will result in an 8.7% reduction in the impervious area on this lot.

**MINOR IMPACT PROJECT**

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**2006-03144**

**MANCHESTER HOUSING & REDEVELOPMENT CORPORATION**

**MANCHESTER Unnamed Wetland**

Requested Action:

Proposal to amend timeframes for easement and deed restriction completion as indicated in project specific condition No. 4 of the existing permit.

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Inspection Date: 05/07/2007 by William A Thomas, Cws

APPROVE AMENDMENT:

Dredge and fill 5,010 sq. ft. of wetlands (includes 184 liner feet of intermittent stream impacts) for access and lot grading for the first phase of a 13 lot commercial development ("Northwest Business Park") on a 425 acre parcel. Work in wetlands for access and grading for lot 1 consists of the following: "Wetland Crossing #1" consisting of 318 sq. ft. of wetlands impact for installation of a 12 in. x 52 ft. RCP culvert with associated inlet and outlet protection, filling and grading, "Wetland Crossing #2" consisting of 448 sq. ft. of wetlands impact for installation of a 18 in. x 45 ft. RCP culvert associated inlet and outlet protection, filling and grading and 174 sq. ft. of wetlands impact for parking lot side slope grading; work in wetlands for access to lot 10 "Wetlands Crossing #3" consists of 4,070 sq. ft. of wetland impact for installation 36 in. x 30 ft. RCP culvert, associated inlet and outlet protection, filling and grading.

With Conditions:

1. All work shall be in accordance with plans by Oest Associates, Inc., revision dated April 11, 2008, as received by DES on April 11, 2008 and revised plan sheets Drawing No. C-101 and C-102 revision dated June 25, 2008, DR-301 revision dated July 21, 2008, WL-2 titled "Overview of Vernal Pool & Wetland Protection Areas - 2" revision dated June 30, 2008, and wetland crossing sketch plans Sketch No: WL-1 through WL-3 date June 2008, and narratives by Gove Environmental Services, Inc., dated July 20, 2008, as received by DES on July 22, 2008 and Drawing No. WL-1 revision dated August 13, 2008 titled "Overview of Vernal Pool & Wetland Protection Areas - 1", as received by DES on August 15, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff and the United States Environmental Protection Agency ("USEPA") at the project site or at the DES

Office in Concord, NH. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

4. As required by the USEPA the final conservation easements and deed restrictions for the vernal pool and wetland protection/sensitive protection areas within the phase 1 development area as identified in the aforementioned plans shall be finalized prior to any construction and the areas identified in phase II of the future development shall be finalized prior to the expiration of the existing permit for phase 1. The required information shall be submitted to and approved by the USEPA with copies of all approved information submitted to DES Wetlands Bureau File #2006-03144.
5. The boundaries of the vernal pool and wetland protection/sensitive protection areas shall marked in the field before the start of construction to prevent accidental encroachment and damage to these areas.
6. The project development shall comply with the Supplemental Environmental Project Program ("SEPP") agreement between the City of Manchester, USEPA and NHDES.
7. The existing pavement removal and restoration for the Sensitive Development Area ("SDA") located on lot 9 shall be completed before or during the start of development of any of the lots in the subdivision.
8. A qualified environmental professional shall monitor the site during construction to assure the project is constructed in accordance with the approved plans and SEPP agreement.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands or surface waters to prevent accidental encroachment.
12. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback for the proposed building lots contained in "Phase 1" of the subdivision.
13. The deed which accompanies the sales transaction for each of the 12 building lots in Phase 1 of the subdivision shall contain condition #12 of this approval.
14. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
15. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
16. There shall be no excavation or operation of construction equipment in flowing water.
17. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
23. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
24. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
25. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
26. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

DES reaffirms findings 1 through 30 with additional findings.

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. On March 21, 2007, DES received comments from one resident of Manchester. The comments were in regards to concerns of negative impacts the development could have on the property and wetlands on the site and adjacent lands owned by The Nature Conservancy ("TNC") and the sensitive wetland communities existing on these lands and the development site.
6. The impacts to wetlands have been reduced from approximately 14,000 sq. ft. of impacts to 5,010 sq. ft. of wetlands impact.
7. The applicant has further investigated the stream impact area for the access road to lot-10 and has determined it is an intermittent stream.
8. The applicant has further minimize and avoided impacts to wetlands as demonstrated by the reduced wetlands impacts, innovative stormwater techniques proposed and as demonstrated by the findings included in this approval.
9. DES Staff conducted a field inspection of the proposed project on May 7, 2007. It was determined through the site inspection that the proposed wetland crossing areas appear to be much lower function and value drainage areas as compared to the well documented high functions and values of the remaining wetlands on and adjacent to the proposed development area.
10. The proposed wetland impact areas are not within any identified exemplary natural communities or areas identified to contain state or federally listed endangered or threatened species.
11. The applicant has identified a small Atlantic White Cedar and Black Gum swamp on lot-6. The applicant has voluntarily protected this area through a conservation easement on 5.6 acre area adjacent to TNC lands.
12. The applicant has been working with the United States Environmental Protection Agency ("USEPA") to protect the vernal pools on the 425 acre parcel.
13. A vernal pool survey was conducted by the applicant and partial survey by USEPA.
14. The applicant is providing 100 foot to 250 foot protection buffers on the vernal pools found to be significant.
15. The applicant has protected a total of 23.5 acres through deed restrictions and 47.5 acres through conservation easements. These areas include the buffers to two Sensitive Development Areas ("SDAs"), vernal pool buffers and protection of the newly identified White Cedar and Black Gum swamp on lot-6.
16. On March 30, 2007, DES received a comment and recommendation letter from TNC regarding the proposed development. TNC made several recommendations for the proposed project.
17. The applicant has revised the project to attempt to address the recommendations. The applicant has provided 100 foot buffers to the SDAs on lots 8 and 9, utilizing impervious pavement on all new road and parking surfaces within the project areas and have been working within the project engineer, DES Alteration of Terrain Program ("AOT") and the University of New Hampshire Stormwater Management Research Center to develop a stormwater management plan that will protect water quality on and off the site.
18. The proposed vertical curbing has been removed from the project to reduce negative impacts to wildlife movement on the property.
19. The project development is contingent on compliance with the Supplemental Environmental Project Program ("SEPP") agreement between the City of Manchester, USEPA and NHDES.
20. This approval is contingent on approval by the DES AOT.
21. The project is being reviewed by AOT for compliance of the stormwater treatment and detention methods with the SEPP agreement.
22. A waiver has been submitted in accordance with Administrative Rule Part Env-Wt 204 to address the conceptual layout for future phase section of Administrative Rule Env-Wt 304.09(c).
23. The proposed phase of this project is on approximately 103 acres of the 425 acre parcel.
24. The applicant has provided plans that depict and classify all existing wetlands and topography on the entire 425 acre parcel.
25. The applicant has provided all required plans for the current phase of the project.
26. The proposed project utilizes the previously constructed paved subdivision access. This access did not require any additional wetlands impacts.
27. The applicant has identified all vernal pools on the 425 acre parcel and has provided protection buffers from 100 to 250 feet on

pools identified as significant.

28. The permit is contingent on additional permitting for any future impacts to wetlands or surface waters on the property.

29. The applicant has addressed and met the waiver criteria per Env-Wt 204.04.

30. Based on findings #23 through #29 the waiver request was approved.

Additional findings:

31. The request is a result of poor economic conditions and lack of interested buyers, which has delayed the public project.

32. The applicant had discussed the amendment request with DES before submitting and has received approval from the USEPA for the timeframe changes.

33. The proposed amendment doesn't result in any changes to wetlands or areas of concern.

34. The applicant has indicated that a wetlands permit time extension may be needed in the future. DES may consider this request in the future due to the environmentally sensitive areas on and adjacent to the site and the extensive design work that was completed to protect to these sensitive areas.

**2009-03071                      NH DEPT OF TRANSPORTATION**  
**EASTON   Tributary To Wild Ammonoosuc River**

Requested Action:

Rebuild the invert of a 6.5 ft. x 10 ft.(w) x 48 ft. multi plate arch culvert with 6 inches of reinforced concrete, repair cutoff walls and line the inlet and outlet with a stone blanket to prevent erosion impacting 428 sq. ft. of riverine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Inspection Date: 11/24/2009 by Gino E Infascelli

APPROVE PERMIT:

Rebuild the invert of a 6.5 ft. x 10 ft.(w) x 48 ft. multi plate arch culvert with 6 inches of reinforced concrete, repair cutoff walls and line the inlet and outlet with a stone blanket to prevent erosion impacting 428 sq. ft. of riverine wetlands. NHDOT #99030Z

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance signed 11/2009, as received by the Department on Dec. 31, 2009.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.

11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.
14. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.
15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
18. The work area shall be constructed to protect the existing structure while minimizing permanent impacts and enhancing aquatic organism passage.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. A pre-application meeting held on December 10, 2009 with the applicant and NHFG Dept. determined that the placement of a limited amount of stone downstream of the outlet would raise the water level so as to not perch the culvert after the addition of 6 inches of concrete.
6. Inspection by DES staff on November 24, 2009 found the bottom of the culvert deteriorating; the substrate of the stream was gravel and noted a large submerged boulder downstream that could be used as an anchor for a rock weir or similar structure.

**MINIMUM IMPACT PROJECT**

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**2007-00853                      LABELL, DANIEL**  
**RINDGE   Monomonac Lake**

Requested Action:

Retain a 4'x32' seasonal dock, boat lift, PWC float, and a 2.5'x 41.5' dry laid rock retaining wall containing 700 sq. ft. of perched beach sand on Lake Monomonac with 118 linear feet of shoreline frontage.

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Conservation Commission/Staff Comments:

Comments were received from the Rindge Conservation Commission.

APPROVE AFTER THE FACT:

Retain a 4'x32' seasonal dock, boat lift, PWC float, and a 2.5'x 41.5' dry laid rock retaining wall containing 700 sq. ft. of perched beach sand on Lake Monomonac with 118 linear feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with the As-Built Plan by Monadnock Survey, Inc, dated September 16, 2009 and revised on December 14, 2009 as received by DES on December 21, 2009 .
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. This after-the-fact permit shall not be effective until it has been recorded with the Chesire County Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
4. These shall be the only structures on this water frontage.
5. Seasonal structures shall be removed from the Lake Monomonac for the non-boating season.
6. No portion of the pier shall extend more than 32 feet from the shoreline at full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a) Construction or modification of a seasonal pier ; Env-Wt 303.04 (d) Construction of a beach; Env-Wt 303.04(m) Projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank; Env-Wt(ac) Installation of a seasonal boatlift; and, Env-Wt 303.04 (ad) installation of a seasonal personal watercraft lift.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The perched beach has been constructed pursuant to Env-Wt 304.08.
6. In accordance with Env-Wt 304.04(a), the applicant received notarized, written concurrence from the abutters identified as Paul and Sheila Annino (Rindge Tax Map 17 Lot 18) for the location of the docking structures.
7. The applicant has provided evidence substantiating the need for increased dock length pursuant to Env-Wt 402.03(b).
8. A NH Licensed Land Surveyor confirmed that the footing of the retaining wall had not been constructed within the bed of Lake Monomonac.

**2009-02112                      FORD, STANLEY**  
**LANCASTER   Unnamed Wetland**

Requested Action:

Impact 19,500 square feet of emergent wetlands for construction of a pond for agricultural use, wildlife habitat, and recreation.

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APPROVE PERMIT:

Impact 19,500 square feet of emergent wetlands for construction of a pond for agricultural use, wildlife habitat, and recreation.

With Conditions:

1. All work shall be in accordance with revised plans by Headwaters Hydrology, PLLC. Entitled: Stan Ford- Lancaster Pond Design (Sheet 1-3 of 3) revised December, 2009 as received by the Department on December 21, 2009.
2. The permittee or agent shall conduct a follow-up inspection after the first growing season, to review the success of the area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. This report shall include evaluation of pond fringe vegetation. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the initial completion of the pond site. Remedial measures may include planting or removal of invasive species.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
4. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
5. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be

stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a Minimum Impact Project per Env-Wt 303.04 (p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact, provided: (1) None of the wetlands have very poorly drained soil as defined in Env-Ws 1002.84; (2) There are no streams into or out of the proposed pond site; (3) The project is not located in prime wetlands; and (4) The project does not meet the requirements of Env-Wt 303.02(k);
2. The pond will be for agricultural uses, aquatic habitat, and recreation.
3. Sheep will only be allowed to access the proposed pond in via a stabilized gravel access. A fence will prevent them from disturbing the shoreline and vegetation around the pond. Root wad fish habitat structures and rocks will be installed in the pond bottom to provide natural habitat for aquatic species.
4. The pond will have benches of varying depths, promoting the growth of various aquatic plant communities.
5. The pond will have adequate depth to promote fish survival during the winter.
6. Project revisions added native tall grass and woody plant species regenerating in 24% of the pond fringe; tall grass to be maintained for 28% of the pond fringe to provide habitat diversity; and a narrow strip of short grass surrounded by a combination of tall grass and woody plant species in the remaining pond fringe to provide canopy cover and shade along the south side of the pond.
7. Post-construction monitoring will be conducted to ensure the pond fringe vegetation is successfully established.
8. No comments were submitted from the NH Natural Heritage Bureau, NHFG Nongame and Endangered Species Program, or the Conservation Commission.

**2009-02217                      ALLISON IRREVOC TRUST, MARY LEE**  
**FREEDOM   Loon Lake**

Requested Action:

Stabilize 38 linear feet of shoreline damaged during a tornado with rock and coir logs, replace an existing 4 ft x 20 ft seasonal dock, 3 ft x 4 ft access stairs and 17 ft x 5 ft 10 in deck on Loon Lake, in Freedom.

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Conservation Commission/Staff Comments:

No comments from Con Com by 11/23/2009

This area was damaged by tornado in 2008

APPROVE PERMIT:

Stabilize 38 linear feet of shoreline damaged during a tornado with rock and coir logs, replace an existing 4 ft x 20 ft seasonal dock, 3 ft x 4 ft access stairs and 17 ft x 5 ft 10 in deck on Loon Lake, in Freedom.

With Conditions:

1. All work shall be in accordance with plans by B H Keith Associates revision dated December 21, 2009, as received by DES on December 23, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.

4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Dredged or excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. No stumps shall be removed within 50 feet of the reference line per RSA 483-B.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects that disturb less than 50 linear feet of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The lot was directly in the path of a tornado which occurred on July 24, 2008, and sustained significant damage during the event.
4. The proposed work is remediation of an area directly damaged by the tornado.

**2009-02218                      NADEAU, ROBERT & CRYSTAL**  
**NEW BOSTON   Unnamed Wetland**

Requested Action:

Dredge and fill  $\pm$  2,750 sq. ft. of palustrine forested wetlands/intermittent stream to install two 3-ft. x 2-ft. x 16-ft. embedded elliptical aluminum culverts, each for driveway access to a single lot of a 3-lot subdivision on  $\pm$  22.85 acres.

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APPROVE PERMIT:

Dredge and fill  $\pm$  2,750 sq. ft. of palustrine forested wetlands/intermittent stream to install two 3-ft. x 2-ft. x 16-ft. embedded elliptical aluminum culverts, each for driveway access to a single lot of a 3-lot subdivision on  $\pm$  22.85 acres.

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants dated July 1 and 13, 2009, as received by the Department on September 18, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 3 of this approval.
5. Work shall be done during periods of non-flow.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede flow.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).



13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The Applicant shall provide post-construction photographs of all approved construction referenced in this permit within 30 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The NH Division of Historical Resources project review received October 03, 2009, confirms that the project area is archeological sensitive and that additional information is needed to complete the review.
3. This permit is conditioned that the permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
4. In comments dated October 19, 2009, the Piscataquog River Local Advisory Committee noted the project needed to comply with the Shoreland Protection Act and that construction should be limited to the suitable building envelopes to prevent sedimentation to the river.
5. The Agent has confirmed that all project activities will occur outside of the protected shoreland.
6. The Natural Heritage Bureau report has indicated there is not a record of occurrences of sensitive species in the project area.
7. The 14-2 common drive layout is restricted by town regulations, which require common driveways from diverge less than 100 feet into the property.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-02626                      TURNER HOMESTEAD INC**  
**SALEM    Unnamed Wetland**

Requested Action:

After-the-fact request to retain 1,200 sq. ft. of fill along the edge of a palustrine wet meadow for work associated with the expansion of an existing golf course facility.

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Conservation Commission/Staff Comments:

The Salem Conservation Commission voted to recommend approval of the application.

APPROVE AFTER THE FACT:

After-the-fact request to retain 1,200 sq. ft. of fill along the edge of a palustrine wet meadow for work associated with the expansion of an existing golf course facility.

With Conditions:

1. All work shall be in accordance with plans by MHF Design Consultants, Inc. dated August 14, 2009, as received by DES on October 30, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided

evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

## FORESTRY NOTIFICATION

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**2010-00069                      MUSTY, PETER**  
**PIERMONT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Piermont Tax Map R8, Lot# 14

**2010-00070                      LAKEVILLE SHORES INC**  
**SULLIVAN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sullivan Tax Map 5, Lot# 54

**2010-00072                      WARD, GERALD & PRISCILLA**  
**MADISON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Madison Tax Map 215, Lot# 1

**2010-00073                      NEW ENGLAND FORESTRY FOUNDATION INC**  
**ASHLAND   Unnamed Stream**

COMPLETE NOTIFICATION:  
Ashland Tax Map 21, Lot# 1005

**2010-00074                      LAKES REGION CONSERVATION TRUST, DON BERRY**  
**TUFTONBORO   Unnamed Stream**

COMPLETE NOTIFICATION:  
Tuftonboro Tax Map 40, Lot# 8

**2010-00080                      PRESCOTT, THOMAS & RACHEL**  
**FARMINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Farmington Tax Map R48, Lot# 18

**2010-00082**                      **STANLEY, BARBARA**  
**ENFIELD**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Enfield Tax Map 16, Lot# 60

**EXPEDITED MINIMUM**

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**2009-02438**                      **TYCO INTEGRATED CABLE SYSTEMS**  
**NEWINGTON**   **Piscataqua River**

Requested Action:  
Impact 189 sq. ft. to repair shoreline bank rip rap in the tidal buffer zone, which was damaged by a storm surge event.  
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APPROVE PERMIT:  
Impact 189 sq. ft. to repair shoreline bank rip rap in the tidal buffer zone, which was damaged by a storm surge event.

With Conditions:

1. All work shall be in accordance with revised plans by Tyco Integrated Cable Systems dated 12/08/09, as received by DES on 1/20/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance or repair of a non-docking structure, such as rip rap slope of not more than 50 feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. A storm surge event dislodged the existing stone and created a large eroded gully in the bank.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Portsmouth Conservation Commission signed the expedited application.

**2009-02895                      WEBER, GERARD**  
**NEW LONDON   Pleasant Lake**

Requested Action:

Install a 6 ft x 30 ft seasonal pier on an average of 200 ft of frontage on Pleasant Lake in New London.

\*\*\*\*\*

APPROVE PERMIT:

Install a 6 ft x 30 ft seasonal pier on an average of 200 ft of frontage on Pleasant Lake in New London.

With Conditions:

1. All work shall be in accordance with plans as received by DES on December 3, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and shall be located at least 10 ft from northerly abutting property line or the imaginary extension of that line into the water as authorized in writing by the affected property owners on November 24, 2009.
4. The seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified a a minimum impact project per Rule Env-Wt 303.04, (a), construction of a seasonal, 2-slip docking facility.

**2009-02996                      SPENCER, UPSHUR**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Repair two existing 4 ft x 36 ft piling supported docks connected by a 13 ft x 13 ft walkway in a "U" shaped configuration on an average of 56 ft of frontage on Lake Winnepesaukee, Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair two existing 4 ft x 36 ft piling supported docks connected by a 13 ft x 13 ft walkway in a "U" shaped configuration on an average of 56 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated October 07, 2009, as received by DES on December 22, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided,

and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The application has submitted information to the file supporting the claim of a grandfathered structure.

**2009-03076                      KUBIATOSKI ESTATE, MARYANN**  
**CENTER BARNSTEAD   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 1,417 sq. ft. of wetlands in two locations, including 721 sq. ft. of impact to install a 18" x 32' culvert; and 696 sq. ft. of impact to install a 18" x 27' culvert, for a common driveway to two house lots.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill a total of 1,417 sq. ft. of wetlands in two locations, including 721 sq. ft. of impact to install a 18" x 32' culvert; and 696 sq. ft. of impact to install a 18" x 27' culvert, for a common driveway to two house lots.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants LLC dated 12/21/2009, as received by DES on 12/31/2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau for the project location.

**LAKES-SEASONAL DOCK NOTIF**

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**2010-00088 CHISHOLM, BARRY**  
**PITTSBURG Back Lake**

COMPLETE NOTIFICATION:  
Pittsburg Tax Map C4, Lot# 276 Back Lake

**PERMIT BY NOTIFICATION**

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**2010-00039 AIKENS, PETER**  
**NORTHWOOD Unnamed Wetland**

Requested Action:  
Impact 200 sq. ft. of wetland to replace a damaged 12" x 45' driveway culvert in-kind.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Northwood Con. Com. signed the PBN application.

PBN IS COMPLETE:  
Impact 200 sq. ft. of wetland to replace a damaged 12" x 45' driveway culvert in-kind.

**2010-00055 PAWLUK, WILLIAM**  
**WAKEFIELD Unnamed Wetland**

Requested Action:  
Dredge and fill 540 sq. ft. of wetlands to install a 18" x 32' long culvert in place of snowmobile bridge for a driveway crossing to as single family home.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Wakefield Con. Com. signed the PBN.

PBN IS COMPLETE:  
Dredge and fill 540 sq. ft. of wetlands to install a 18" x 32' long culvert in place of snowmobile bridge for a driveway crossing to as single family home.

**2010-00056 PSNH**  
**ALLENSTOWN Unnamed Wetland**

Requested Action:  
Proposal to impact approximately 3249 sq. ft. of wetlands for the installation of swamp mats for access and conduct maintenance

activities.

\*\*\*\*\*

**PBN IS COMPLETE:**

PBN complete to impact approximately 3249 sq. ft. of wetlands for the installation of swamp mats for access and conduct maintenance activities.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way provided:

(1) Total jurisdictional impacts shall not exceed one acre;

(2) The equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils;

(3) The work shall be conducted under low flow or low groundwater conditions, or during frozen ground conditions;

(4) Access routes through the right of way shall be designed to minimize impacts to jurisdictional areas;

(5) The equipment shall be operated and maintained to avoid spillage of oil, gas, or hydraulic fluids;

(6) Refueling of equipment shall occur a minimum of 100 feet away from wetland and surface waters or both;

(7) All temporary impacts to wetlands shall be regraded to original contours and stabilized within 72 hours following the completion of work and within 30 days of the start of work;

(8) Stream impacts shall be limited to intermittent stream beds less than 10 feet in width and shall be conducted during low flow conditions;

(9) No work shall be done in or adjacent to prime wetlands; and

(10) The project does not meet the criteria of Env-Wt 303.02(k).

**CSPA PERMIT**

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**2009-02495                      CHAMPAGNE, JULIE**  
**SPOFFORD   Spofford Lake**

**Requested Action:**

Temporarily impact 576 sq ft to pour concrete foundation of existing dwelling.

\*\*\*\*\*

**APPROVE AMENDMENT:**

Temporarily impact 576 sq ft to pour concrete foundation of existing dwelling.

**AMENDMENT APPROVED:** Shoreland Impact Permit 2009-2495 is amended to allow complete removal of structure and section of porch and replaced within the same footprint behind the 50' primary building setback.

**With Conditions:**

1. All work shall be in accordance with plans by Forest Designs dated September 24, 2009 and received by the Department of Environmental Services ("DES") on October 21, 2009.

2. No more than 23% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. The project as proposed will leave approximately 3,208 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,366 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**Requested Action:**

Temporarily impact 576 sq ft to pour concrete foundation of existing dwelling.

\*\*\*\*\*

**APPROVE AMENDMENT:**

Temporarily impact 576 sq ft to pour concrete foundation of existing dwelling.

AMENDMENT APPROVED: Shoreland Impact Permit 2009-2495 is amended to allow complete removal of structure and section of porch and replaced within the same footprint.

**With Conditions:**

1. All work shall be in accordance with plans by Forest Designs dated September 24, 2009 and received by the Department of Environmental Services ("DES") on October 21, 2009.

2. No more than 23% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. The project as proposed will leave approximately 3,208 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,366 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02596**

**MCNEALY, JOHN AND KATHLEEN**

**RINDGE Pearly Lake**

**Requested Action:**

Impact 3,978 sq ft to construct a single family dwelling with a 714 sq ft footprint, and driveway of 1,381 sq ft.

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**APPROVE PERMIT:**

Impact 3,978 sq ft to construct a single family dwelling with a 714 sq ft footprint, and driveway of 1,381 sq ft.

**With Conditions:**

1. All work shall be in accordance with plans by Forest Designs dated October 21, 2009 and received by the Department of Environmental Services ("DES") on November 2, 2009.

2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."

3. No more than 29% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional



approval is obtained from DES.

4. The project as proposed will leave approximately 0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 0 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-03008                      VON GOTTBURG, ANTONIA/FREIDRICH**  
**MOULTONBOROUGH   Lake Kanasatka**

**Requested Action:**

Impact 6,535 sq ft for an addition to an existing cottage, expand driveway, construct a 6ft x 6ft generator pad and bury propane tanks.

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**APPROVE PERMIT:**

Impact 6,535 sq ft for an addition to an existing cottage, expand driveway, construct a 6ft x 6ft generator pad and bury propane tanks.

**With Conditions:**

1. All work shall be in accordance with plans by Ames Associates dated December 4, 2009 and received by the Department of Environmental Services ("DES") on December 24, 2009.

2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."

3. No more than 12.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. The project as proposed will leave approximately 11,195 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,092 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-03011                      MARA, JOHN & HOLLY**  
**RINDGE   Emerson Pond**

**Requested Action:**

Impact 2759 sq ft for the addition of a porch and deck to an existing cottage.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 2759 sq ft for the addition of a porch and deck to an existing cottage.

**With Conditions:**

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated December 6, 2009 and received by the Department of Environmental Services ("DES") on December 23, 2009.
2. No more than 7.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 10,367 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,826 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-03059                      UNDERWOOD, FRANK  
WEST CHESTERFIELD   Connecticut River**

**Requested Action:**

Impact 1291 sq ft to remove existing 20ft x 28ft house and build new 24ft x 32ft house with foundation and move from existing location. New septic, reduced driveway and sidewalk to be removed.

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**APPROVE PERMIT:**

Impact 1291 sq ft to remove existing 20ft x 28ft house and build new 24ft x 32ft house with foundation and move from existing location. New septic, reduced driveway and sidewalk to be removed.

**With Conditions:**

1. All work shall be in accordance with plans by Connecticut Valley Environmental Services, Inc. dated December 21, 2009 and received by the Department of Environmental Services ("DES") on December 23, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 15.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,297 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-03060                      DAUPHIN, CHERYL**  
**STODDARD   Highland Lake**

Requested Action:

Impact 2075 sq ft for the construction of a 24ft x 24ft concrete slab garage.

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APPROVE PERMIT:

Impact 2075 sq ft for the construction of a 24ft x 24ft concrete slab garage.

With Conditions:

1. All work shall be in accordance with plans by J & S Cordwood, LLC dated November 2, 2009 and received by the Department of Environmental Services ("DES") on December 23, 2009.
2. No more than 16.28% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,686 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,009 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-03061                      RICE, JUDITH**  
**CANAAN   Goose Pond**

Requested Action:

Impact 3810 sq ft for the replacement of a failed septic system.

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APPROVE PERMIT:

Impact 3810 sq ft for the replacement of a failed septic system.

With Conditions:

1. All work shall be in accordance with plans by ALW Surveys dated November 1, 2009 and received by the Department of Environmental Services ("DES") on December 23, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 8.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,910 sq ft of the Natural Woodland Buffer beyond the primary building

setback in an unaltered state. At least 2,210 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

## CSPA PERMIT W/WAIVER

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**2009-02705**                      **COPELAND, HELEN**  
**OSSIPEE**   **Ossipee Lake**

### Requested Action:

Impact 7,879 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and dry well.

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### APPROVE PERMIT:

Impact 7,879 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and dry well.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

### With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc, dated January 6, 2010 and received by the Department of Environmental Services ("DES") on January 7, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau and completing the installation of the new system.
4. No more than 29.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 1,845 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,830 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
7. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
8. Upon completion of the proposed project, the submitted planting plan will be implemented to ensure that each previously existing deficient grid segment will have at least the minimum score of RSA 483-B:9, V(a)(2)(D) as required by RSA 483-B:9, V, (g), (3).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Ossipee Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of infiltration trenches under the perimeter of the proposed garage.
4. The applicant has proposed to install stormwater controls consisting of a drywell that will capture stormwater from the proposed addition.
5. The applicant has proposed to remove impervious surface coverage within the waterfront buffer and provide additional, natural ground cover.
6. The applicant has proposed to remove impervious surface coverage within the natural woodland buffer and plant additional vegetation that will be allowed to revert to an unaltered state.
7. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system with a 170 ft setback from the reference line.
8. The applicant has proposed to install stormwater controls, install a new septic system, and significantly enhance the waterfront and natural woodland buffers, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.